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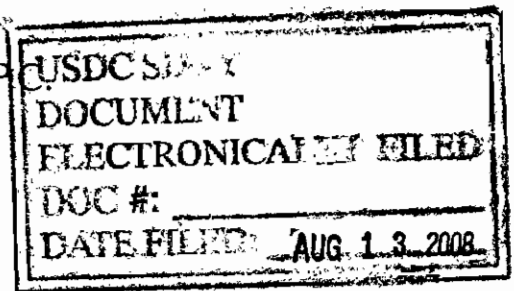
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August 11, 2008

E. DAVID IRWIN*
STEPHEN LEWIN
EDWARD COHN
JOHN LEWIN

ANDREW LUFTIG

Judge Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Of Counsel:
RICHARD SELTZER*

*Admitted NY and FL Bars
*Admitted NJ Bar

MEMO ENDORSED

Re: **Capponi v. Murphy et al.**
08Civ.4449 (LTS) (DFE)

Dear Judge Swain:

The undersigned represents the Plaintiff, John B. Capponi, as Administrator of the Estate of Louise Theresa Capponi.

The undersigned has been in telephone contact with Stewart A. McMillan, counsel for all of the Defendants in connection with the potential of settling this action as well as issues concerning the Preliminary Pre-Trial Statement.

In conjunction with exploring the possibilities of settlement, the undersigned has requested from Mr. McMillan that additional financial information be provided. Mr. McMillan has requested this information from the accountant who represents some of the Defendants, but that information has not been produced as of yet.

In view of the foregoing, the undersigned requested from Mr. McMillan a two week adjournment in order to respond to the defendants Answer and Counterclaims, (in the event that a settlement is not reached), which Mr. McMillan has agreed to. In the event the Court agrees to this extension, this stipulation would extend Plaintiffs' time to respond to the Answer from August 15, 2008 to August 29, 2008. No prior request for such extension has been requested of Mr. McMillan.

This extension would affect the Initial Conference date which is presently scheduled for August 22, 2008. It is therefore requested that in the event the Court grants the request for a two week adjournment, that the Initial Conference be adjourned and rescheduled for a date after September 5, 2008.

Thank you for your courtesy and in the event you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

IRWIN, LEWIN, COHN & LEWIN, P.C.

By:



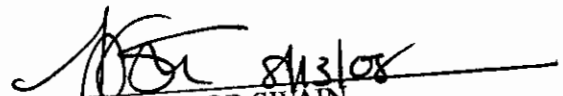
Edward Cohn

EC:tlb

cc: Stewart A. McMillan, Esq.
Attorney for Defendants
McMillan, Constable, Maker & Perone, LLP
2180 Boston Post Road
Larchmont, New York 10538

The requested extension of time to respond to the complaint is granted. The conference is adjourned to September 12, 2008, at 10:45 AM.

SO ORDERED.


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE